



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**WAGGONER CARR  
ATTORNEY GENERAL**

February 17, 1966

Honorable Charles A. Allen  
Criminal District Attorney  
Harrison County  
Marshall, Texas

Opinion No. C-615

Re: Whether Harrison County is  
authorized to employ a  
secretary for the juvenile  
officer pursuant to the  
provisions of Article 5139J,  
Vernon's Civil Statutes, and  
related question.

Dear Mr. Allen:

You have requested, by your letter and subsequent telephone conversations with this office, the opinion of this office as to whether Harrison County is authorized, pursuant to the provisions of Article 5139J, Vernon's Civil Statutes, to employ a secretary for the juvenile officer, and if so, may the salary of such secretary exceed the salary provisions of Article 5139J.

In connection with the foregoing you have stated in your letter that:

"In 1964 the Commissioners Court of Harrison County authorized the employment of a secretary for the Juvenile Officer of Harrison County. Prior thereto, an agreement was worked out with the State Department of Public Welfare whereby among other things the State Department of Public Welfare would appoint a Child Welfare Caseworker, who, in turn, would be designated by the Juvenile Board (composed of the District and County Judge) as Juvenile Officer. . . .

". . .

"The Department of Public Welfare now insists that the secretary, who is paid by the County but qualified by the Department of Public Welfare, be paid on the merit system. If the Commissioners' Court of

Hon. Charles A. Allen, page 2 (C-615)

Harrison County complies with the request of the Department of Public Welfare; the amount expended would exceed \$3,500, the amount authorized by Article 5139J, which is the amount originally agreed upon by Harrison County."

Section 3a of Article 5139J provides in part that:

"The juvenile board of Harrison County may appoint a juvenile officer, whose salary shall be fixed by the Commissioners Court of said county in an amount not to exceed Three Thousand Dollars (\$3,000) per year, and whose allowance for expenses shall not exceed Five Hundred Dollars (\$500) per year. . . .The Commissioners Court shall provide the necessary funds for payment of the salary and expenses of the juvenile officer." (Emphasis added).

While the provisions of Section 3a of Article 5139J authorize the Harrison County Juvenile Board to appoint a juvenile officer whose salary shall be fixed by the Commissioners Court in an amount not to exceed \$3,000.00 per year and whose expense allowance shall not exceed \$500.00 per year, we are of the opinion that Section 3a of Article 5139J does not authorize the Harrison County Juvenile Board or the Commissioners Court of Harrison County to either employ or compensate a secretary for the juvenile officer. The authorization found in Section 3a of Article 5139J is limited to the employment and compensation of a juvenile officer and does not provide for the employment or compensation of other personnel who may work in conjunction with the juvenile officer. Such conclusion in construing the powers of the Commissioners Court pursuant to the provisions of Section 3a of Article 5139J is in harmony with such cases as Canales v. Laughlin, 147 Tex. 169, 214 S.W.2d 451 (1948); Childress County v. State, 127 Tex. 343, 92 S.W.2d 1011 (1936); and Roper v. Hall, 280 S.W. 289 (Tex.Civ.App. 1925).

In connection with the foregoing it should be noted, however, that while Section 3a of Article 5139J does not authorize the employment or compensation of anyone other than a juvenile officer, Section 39 and Section 40 of Article 695c, Vernon's Civil Statutes, the Public Welfare Act of 1941, provide that:

"Sec. 39. No provision of this Act is intended to release the counties and municipalities in this State from the specific responsibility which is currently borne by those counties and municipalities in support of public welfare, child welfare, and relief services. Such funds which may hereafter be appropriated by the counties and municipalities for those services may be administered through the county or district offices of the State Department /State Department of Public Welfare/, and if so administered, shall be devoted exclusively to the services in the county or municipality making such appropriation.

"Sec. 40. County Child Welfare Boards established or hereinafter appointed in conformity with Section 4, Acts of 1931, Forty-second Legislature, page 323, Chapter 194 /Section 4 of Article 694a, Vernon's Civil Statutes/, shall function and/or continue to function as provided therein, and the Commissioners Court of any county may appropriate funds from its general funds, or any other available fund, for the administration of such County Child Welfare Boards and provide for services to and support of children in need of protection and/or care." (Emphasis added).

Pursuant to the foregoing provisions, and the conclusions reached in Attorney General's Opinions No. 0-5943 (1944) and No. 0-6335 (1945), it would appear that the Commissioners Court of a county would be authorized to employ such personnel as it deemed necessary to provide for services to and support of children in need of protection and/or care and compensate such persons so employed in any amount deemed reasonable and proper by the Commissioners Court. In addition, if an individual employed by the Commissioners Court, pursuant to Section 39 and Section 40 of Article 695c, had as one of his or her duties the task of acting as secretary to the juvenile officer of the county, we are of the opinion that this duty would be within the authorization of Section 39 and Section 40 of Article 695c, as the responsibilities of the county juvenile officer certainly include services to children in need of protection and/or care.

Hon. Charles A. Allen, page 4 (C-615)

SUMMARY

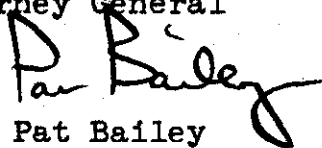
The provisions of Section 3a of Article 5139J, Vernon's Civil Statutes, do not authorize the Harrison County Juvenile Board or the Commissioners Court of Harrison County to either employ or compensate a secretary for the juvenile officer.

However, the provisions of Section 39 and Section 40 of Article 695c, Vernon's Civil Statutes, would authorize the Commissioners Court to employ such persons as it deemed necessary to provide for services to and support of children in need of protection and/or care, and compensate such persons in any amount deemed reasonable and proper by the Commissioners Court. In turn, a person so employed pursuant to Section 39 and Section 40 of Article 695c, could have as one of his or her duties the task of acting as secretary to the juvenile officer.

Very truly yours,

WAGGONER CARR  
Attorney General

By:

  
Pat Bailey  
Assistant

PB:mkh:sj

APPROVED:  
OPINION COMMITTEE

W. V. Geppert, Chairman  
John Reeves  
Roy Johnson  
John Banks  
Edward Moffett

APPROVED FOR THE ATTORNEY GENERAL  
BY: T. B. Wright